

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLAM SIM SPENCER, #384851,

Petitioner,

v.

Case No. 08-12327

Hon. Anna Diggs Taylor

Magistrate Judge Paul J. Komives

DAVID PRATT,

Respondent.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
(D/E-32)

This matter is before the court on Magistrate Judge Paul J. Komives's Report and Recommendation of July 30, 2009, recommending that Petitioner's Habeas Application and Motion for Summary Judgment be denied.

The court has reviewed the file, Petitioner's Objection, Petitioner's Motion to take Judicial Notice of Revised Statement of Facts and Procedural History and the Magistrate Judge's Report and Recommendation. Respondent did not file an Objection. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

THEREFORE, the court will accept the Magistrate's Report and Recommendation of July 30, 2009, as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Komives's Report and Recommendation of July 30, 2009, is ACCEPTED and ADOPTED.

IT IS FURTHER ORDERED that Petitioner's Habeas Application (D/E-1) and Motion for Summary Judgment (D/E-20) are DENIED.

IT IS SO ORDERED.

DATED: December 11, 2009

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on December 11, 2009.

William Spencer, #384851
Pugsley Correctional Facility
7401 E. Walton Rd
Kingsley, MI 49649

s/Johnetta M. Curry-Williams
Case Manager